



**FIRST-TIER TRIBUNAL  
PROPERTY CHAMBER (RESIDENTIAL  
PROPERTY)**

**Case Reference** : **CHI/43UK/MNR/2019/0068**

**Property** : **34 Johnsdale  
OXTED  
Surrey  
RH8 0BP**

**Type of Application** : **Determination of market rent: Housing Act  
1988**

**Tribunal Members** : **Mr B H R Simms FRICS (Chairman)  
Mr N I Robinson FRICS (Valuer Member)**

**Date of Decision** : **13 January 2020**

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**REASONS FOR THE DECISION**

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## **Background**

1. By an application received on 21 November 2019 Miss J P M Pottinger, the Tenant, referred to the Tribunal a Notice of Increase of rent served by the Landlord under section 13 of the Housing Act 1988 dated 11 October 2019 which proposed a rent of £1,080.00 per calendar month with effect from 01 December 2019 in place of the passing rent of £980.00 per calendar month.
2. The Tenancy is an Assured Periodic Tenancy believed to have arisen by succession in 2006. The Tenancy Agreement was not produced to the Tribunal.
3. Directions for the conduct of the case were issued dated 25 November 2019. The Tribunal intended to determine the rent on the basis of an inspection of the property and written representations subject to the parties requesting an oral hearing. No request was made by the parties for a hearing.

## **Inspection**

4. The Tribunal members inspected the property on 13 January as arranged with the Tenant. The weather was fine and sunny. The Landlord did not attend and was not represented.
5. The property comprises a semi-detached house on a sloping site in a residential cul-de-sac. The house is built of brick with a pitched roof. The accommodation comprises: Ground Floor: Hall, Living Room, Kitchen with sink, worktops, cupboards and drawers; Vestibule; Bathroom with bath, washbasin and WC; First Floor: Landing, Three Bedrooms; Outside: Gardens to front and rear, no off-street parking.
6. The property has been maintained by the tenant. There is central heating but the kitchen and bathroom fittings are below modern standards. Only the ground floor windows have been replaced with double glazed units, the first floor windows are original single glazed metal casements. The landlord has not provided carpets, curtains or white goods.

## **Hearing**

7. Neither party requested a hearing at which they could present their case. In accordance with the Directions the Landlord made written representations. The Tenant made no written representations. The Committee proceeded to determine the matter based on the inspection and the written evidence submitted.

## **Evidence**

8. Mr Charles, the Landlord, explained the background to the case and the previous rent assessments and provided some general information about lettings of nearby properties which were not challenged by the tenant. In support of the proposed rent he quoted 33 Johnsdale which he says is identical in size but it has been modernised and the bathroom moved to the third first floor bedroom leaving it with two bedrooms.

9. He believes that the owner let the property privately and he understands the rent to be £1,400 per calendar month. He provided sales particulars with agent's floor plans showing a modern layout to include an improved kitchen area, a ground floor cloakroom with W.C. and the addition of a conservatory. The first floor bathroom has a bath and a shower cubicle. The Tribunal noted that this house has off-street parking. 44 Johnsdale (a modernised similar property opposite) is understood to have been let in May 2019 at £1,700 per calendar month and he enclosed estate agent's particulars. This house is not on sloping ground and has substantial off-street parking. There are no floor plans but the description identifies the house as being under refurbishment with and having a kitchen/dining room.
10. He also provided agent's particulars of 28 Johnsdale a larger 3 bedroom semi-detached house let in June 2019 at £1,500 per month and 23 Johnsdale a larger 4 bedroom modernised and enlarged house let in July 2019 at £2,150 per calendar month.

### **The Law and Valuation**

11. The Tribunal is required to determine the rent at which the subject property might reasonably be expected to be let in the open market by a willing Landlord under an assured tenancy. The personal circumstances of the Landlord or the Tenant are not relevant to this issue.
12. Thus in the first instance the Tribunal determined what rent the landlord could reasonably be expected to obtain for the property in the open market if it were let today on the terms and in the condition that is considered usual for such an open market letting. The Tribunal was assisted by the comparables submitted by the landlord however although all of them are in the locality they all have better accommodation or off-street parking. The most relevant comparable is No. 33 but the rent quoted is not substantiated.
13. The subject property is not in average marketable condition and also lacks the amenities enjoyed by No. 33 which affects its rental value. The other comparables are for generally better properties. Accordingly and using its own knowledge and experience the Tribunal arrives at an appropriate open market rental value for No.34 of £1,300.00 per calendar month.
14. However, the rent referred to in the above paragraph is on the basis of a modern open market letting where the tenant has no liability to carry out repairs or decorations and the landlord supplies white goods, carpets and curtains. In this case the Tenant supplies her own white goods, carpets and curtains. The subject property also has a very small kitchen and a small ground floor bathroom with a small cracked sink. It does not have the benefit of off-street parking which is a serious defect in the locality as there is substantial casual parking in the street. Adjustments to the market rent must be made for these differences representing the Tribunal's view, based on its own knowledge and experience, the deduction in rental offer that a hypothetical tenant would make to its rental bid when considering the subject property compared to the market rent set by the Tribunal.

15. The Tribunal has therefore made the following deductions from the starting point of: £1,300.00 per calendar month.

a. Carpets/curtains/white goods	£50.00
b. Un-modernised kitchen & bathroom	£70.00
c. Lack of off-street parking	£70.00
d. Lack of full double glazing	£35.00
e. Poor layout/ground floor bathroom	£75.00

Total	£300.00
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Adjusted rent	£1,000.00.per calendar month
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### **Determination**

16. The Tribunal therefore determines that the rent at which the subject property might reasonably be expected to be let in the open market by a willing Landlord under the terms of this assured tenancy is 1,000.00 per calendar month.

17. The Tribunal directed the new rent of **£1,000.00** to take effect on 01 December 2019 being the date specified in the Landlord's notice.

**Mr B H R Simms (Chairman)**

**13 January 2020**

### **PERMISSION TO APPEAL**

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) on a point of law must seek permission to do so by making written application to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
3. If the person wishing to appeal does not comply with the 28-day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28-day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking.